

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 14 JUL 2004

Applicant's or agent's file reference AWN/JFBY77	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/00098	International filing date (day/month/year) 13.01.2003	Priority date (day/month/year) 14.01.2002
International Patent Classification (IPC) or both national classification and IPC E05B47/00		
Applicant MILA HARDWARE LIMITED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 12.08.2003	Date of completion of this report 07.04.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Perez Mendez-Castril Telephone No. +31 70 340-4091 <div style="text-align: right;">  </div>

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International application No. PCT/GB 03/00098

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-4 as originally filed

Claims, Numbers

1-7 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 6

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 6 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3
	No: Claims	1,2,4,5,7
Inventive step (IS)	Yes: Claims	
	No: Claims	1-5,7
Industrial applicability (IA)	Yes: Claims	1-5,7
	No: Claims	

2. Citations and explanations

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see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The term "substantially as herein described, with reference to the accompanying drawings" in claim 6 is not clear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject matter of said claim unclear (Article 6 PCT). Consequently, no opinion will be formulated with respect to novelty, inventive step or industrial applicability with respect to claim 6.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: DE 196 21 909 A (KOHNE MICHAEL) 11 December 1997 (1997-12-11)

D2: US-A-5 903 216 (BAEYEN ROBERT ET AL) 11 May 1999 (1999-05-11)

2. The present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of claim 1 is not new for the following reasons:

Document D1 (see col. 5, line 11 - col. 6, line 45; fig. 2) discloses:

A locking mechanism (1) operable to restrict unauthorised access to a structure such as a house, the locking mechanism (1) being operable to permit external access, by means of at least two remote control devices [see col. 5, lines 41-43: "Das Wachunternehmen erhält **einen oder mehrere** Transponder-Schlüssel 13"] operable from outside the structure, one of the remote control devices being arranged for use by an occupant of the structure [one of said "Transponder-Schlüssel" could be used by an occupant] and another of the remote control devices being arranged for use by an authorised official such as a police officer, fire officer or safety officer (e. g. doctor, nurse, paramedic or ambulance personnel).

Consequently, the features of claim 1 are known from D1.

- 2.1 The locking mechanism described in D2 discloses also all the features of claim 1 and it is thus a novelty destroying document for this claim.
See D2 (col. 4, line 61- col. 5, line 50; Fig. 1) and in particular: "the user-held radio transmitter" for "input device 23" and "the emergency response personnel radio frequency transmitter 10" for "receiver 16".
3. Dependent claims 2, 4, 5, and 7 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty, because the subject-matter of these claims is also known from D1 or D2.
4. Dependent claim 3 does not seem to contain any additional features which, in combination with the features of any claim to which it refers, meets the requirements of the PCT with respect to inventive step (Article 33(3) PCT) as these features are generally known from the prior art, or are merely a matter of normal design of emergency exit systems.
